

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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MOHAMED JOHN AKHTAR AND LA BUCA  
RESTAURANT, INC.,

Plaintiffs,

**23-CV-06585 (JGLC) (VF)**

-against-

**ORDER**

ROHIT AGGARWALA et al.,

Defendants.

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**VALERIE FIGUEREDO, United States Magistrate Judge:**

Plaintiffs commenced this action on July 28, 2023. ECF No. 1. Defendant Eric Eisenberg moved to dismiss the complaint on November 27, 2023. ECF No. 24. On June 5, 2024, the undersigned issued a Report & Recommendation recommending the grant of Eisenberg's motion to dismiss. ECF No. 72. The Honorable Jessica G. L. Clarke adopted the Report & Recommendation, dismissing Plaintiffs' complaint, on August 19, 2024. ECF No. 85. Plaintiffs then filed an amended complaint on October 7, 2024. ECF No. 104.

Defendant Eisenberg has appeared in this case, and has used the electronic case filing ("ECF") system to participate in this case. Under this District's Rules, "service is complete provided all parties receive a Notice of Electronic Filing (NEF), which is sent automatically by email from the Court."<sup>1</sup> See also Shukla v. Deloitte Consulting LLP, No. 19-CV-10578 (AJN) (SDA), 2020 WL 949426, at \*5 (S.D.N.Y. Feb. 27, 2020) ("In cases assigned to the ECF system, service [of an amended pleading] is complete when a NEF is transmitted to all parties.") (internal quotation marks and citation omitted); Ndugga v. Bloomberg L.P., No. 20-CV-7464 (GHW)

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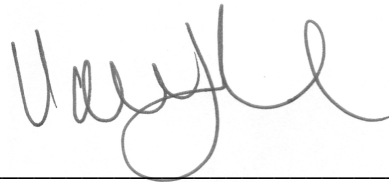
<sup>1</sup> Electronic Case Filing Rules & Instructions at § 9.1 (July 24, 2023), <https://tinyurl.com/yacf8jwd> ("Transmission of the NEF constitutes service upon all Filing and Receiving Users who are listed as recipients of notice by electronic mail.").

(GWG), 2024 WL 3755564, at \*4 (S.D.N.Y. Aug. 12, 2024) (“The plaintiffs shall not be required to serve the complaint or amended complaint on defendant as the ECF filing will be sufficient for service.”). Therefore, the automatic NEF Eisenberg received upon Plaintiffs’ filing of the amended complaint constituted service on Eisenberg. Eisenberg is thus directed to respond to the amended complaint by **March 4, 2025**.

The Clerk of Court is directed to terminate the gavel at ECF No. 117.

**SO ORDERED.**

DATED: New York, New York  
February 5, 2025

A handwritten signature in black ink, appearing to read 'Valerie Figueredo', is written over a horizontal line.

VALERIE FIGUEREDO  
United States Magistrate Judge